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Nos. 05-908 & 05-915

In the Supreme Court of the United States

PARENTS INVOLVED IN COMMUNITY SCHOOLS, PETITIONER,
v.
SEATTLE SCHOOL DISTRICT NO. 1, ET AL.

CRYSTAL D. MEREDITH, CUSTODIAL PARENT AND NEXT FRIEND OF JOSHUA RYAN MCDONALD, PETITIONER,
v.
JEFFERSON COUNTY BOARD OF EDUCATION, ET AL.

ON WRITS OF CERTIORARI TO THE UNITED STATES COURTS OF APPEALS FOR THE NINTH AND SIXTH CIRCUITS

BRIEF FOR THE NATIONAL WOMEN'S LAW CENTER AND THE NATIONAL PARTNERSHIP FOR WOMEN & FAMILIES ET AL. AS *AMICI CURIAE* SUPPORTING RESPONDENTS

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STATEMENT OF INTEREST

Amici are organizations with roots in the Latino community and whose missions include serving the interests of the Latino community. Some, like the Mexican American Legal Defense and Educational Fund (MALDEF), are national in scope, while others are local organizations. These Latino groups have concluded that decreasing racial isolation and promoting diversity in elementary and secondary education is important to the advancement and success of the Latino community. Accordingly, each has a strong interest in these proceedings. The individual statements of interest of all *amici* appear in the Appendix.

This brief urges the Court to affirm the decisions of the United States Court of Appeals for the Sixth Circuit in *McFarland ex rel. McFarland v. Jefferson County Public Schools*, 416 F.3d 513 (6th Cir. 2005), *reh'g denied*, No. 04-5897, 2005 U.S. App. LEXIS 22940 (6th Cir. Oct. 21, 2005), *cert. denied*, 126 S. Ct. 2351 (2006), and the United States Court of Appeals for the Ninth Circuit in *Parents Involved in Community Schools v. Seattle School Dist. No. 1*, 426 F.3d 1162 (9th Cir. 2005) (*en banc*), *cert. denied*, 126 S. Ct. 2351 (2006).[1]

[1] The parties have filed letters consenting to the filing of this brief with the Clerk of the Court. Counsel for a party did not author this brief in whole or in part. No person or entity, other than *amici*, their members, or their counsel, made a monetary contribution to the preparation or submission of this brief.

SUMMARY OF ARGUMENT[2]

Our nation's guiding vision of equal opportunity rests upon the premise that any one of us can succeed with enough effort, dedication, and natural talent. This Court has long acknowledged the role of American public education in equipping youth with the tools to realize this vision. Effective public schools prepare their charges to function in the workplace and to meaningfully participate in civic and democratic life. In popular and deeply-rooted conceptions of our nation's public schools, they are the key to achieving the American dream.

For Latinos, the nation's largest and most youthful minority group, the promise of public education remains elusive, and the path to the American dream remains obscured by barriers. Prominent among these barriers has been deep and persistent school segregation – a defining, if largely unrecognized, feature of the Latino educational experience both before and since this Court's unanimous ruling in *Brown v. Board of Education*, 347 U.S. 483 (1954). Despite *Brown* and its progeny, Latino students have never experienced an overall decline in racial isolation; at ever-growing rates, they languish in segregated settings with drastically limited opportunities. For Latino schoolchildren, decreasing this racial isolation holds the promise of improved academic opportunities and attainment, as well as greater civic and political engagement – all significant and important goals as the Latino community grows into its role as the largest minority group in the nation's more diverse racial landscape.

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[2] Counsel wishes to acknowledge the important contributions of Alexandra O'Rourke and Allen O'Rourke, students at Harvard Law School, to the preparation of this brief.

Indeed, America's racial landscape looks far different today than it did when this Court issued its ruling in *Brown*. The Latino population has climbed dramatically, both overall and, even more strikingly, as a share of the nation's primary and secondary school enrollment. Today, one in five children in our public schools is Latino. Combating Latinos' growing racial isolation has become critical not only to their success, but also to the success of our increasingly multiracial society, of which Latinos now comprise a substantial segment. Educational settings that promote contact and interaction between children of different races can better prepare those children to live and work in this ever-more diverse society by instilling values of tolerance and cross-racial understanding. In this way, integrated schools yield benefits that are reaped not only by minority students, but also by their classmates and the broader community.

As public school administrators grapple with demographic changes, including increased Latino, immigrant, and English Language Learner enrollment, they must retain the flexibility to respond to new, more complicated paradigms.[3] Local school officials are well positioned to evaluate these newly-complex dynamics in determining how best to carry out their pedagogical and civic objectives. Voluntary integration programs are flexible and effective tools for districts, teachers, and parents that are committed to counteracting racial isolation in their schools and realizing *Brown*'s promise of equal and integrated education – a goal that has so far eluded the Latino community.

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[3] The term "English Language Learner" ("ELL") is used interchangeably with and refers to the same group of students as the term "Limited English Proficient" ("LEP").

ARGUMENT

I. THE LATINO EDUCATIONAL EXPERIENCE HAS BEEN MARKED BY PERSISTENT *DE JURE* AND *DE FACTO* SEGREGATION

Segregation, both official and unofficial, has long been a feature of Latino public education. As early as 1900 and through the 1950s and 1960s, districts intentionally channeled students into substandard "Mexican" and "migratory" schools throughout the Southwest. Although the Puerto Rican and Dominican communities of the Northeast sprung from an entirely different historical experience than the Mexican-American communities of the Southwest, they endured similar segregation and barriers to educational equity.[4] Despite these realities, the Latino experience has been largely absent from academic, legal and popular discourses on racial isolation in public schools, and Latino students largely excluded from serious efforts to root out segregation. This neglect has coincided with a dramatic rise in Latino public school enrollment, resulting in an unremitting trend of racial isolation for Latino students. Latinos are now more segregated and more concentrated in high-poverty schools than any other minority group.

[4] Albert Camarillo, *The Compelling Need for Diversity in Higher Education* Expert Report submitted on behalf of the University of Michigan: 5 Mich. J. Race & L. 339, 350 (1999) (noting that Puerto Rican and Dominican students "faced a reality of separation and exclusion . . . that paralleled that of their ethnic kin in the Southwest").

A. Throughout the Early Part of the 20th Century, Latino Students in the Southwest Were Channeled into Segregated "Mexican Schools"

In the first part of the last century, as the Latino and immigrant populations swelled in the Southwestern region of the country, segregated "Mexican" and "migratory" schools for Latino children began to emerge.[5] Proponents of segregation commonly argued that separate schools were necessary to impart upon Latino schoolchildren "American culture" and values.[6] Such justifications could not conceal the pervasive judgments that Latino students were inferior to their white peers and that their presence would undermine white students' educational experience. School officials often expressed such views with bracing candor: one California superintendent, in defending segregated Mexican schools, commented that "[s]ome Mexicans are very bright, but you can't compare their brightest with the average white children. They are an inferior race."[7]

Some school districts segregated Latino students based on what they termed "language handicaps," others broadly targeted those with Mexican or "Latinized" surnames,[8] and still others implemented compulsory "entrance

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[5] Kristi L. Bowman, Note, *The New Face of School Desegregation*, 50 Duke L.J. 1751, 1769 n.117 (2001).

[6] Eduardo Luna, *How the Black/White Paradigm Renders Mexicans/Mexican Americans and Discrimination Against Them Invisible*, 14 La Raza L.J. 225, 239 (2003).

[7] Bowman, *supra* note 5, at 1770.

[8] Christopher Arriola, Comment, *Knocking on the Schoolhouse Door: Mendez v. Westminister, Equal Protection, Public Education and Mexican Americans in the 1940's*, 8 La Raza L.J. 166, 179 (1995).

exams" designed to identify Latino students.[9] Much of the Southwest's school segregation stemmed from patterns of residential segregation of Latinos into "Mexican Towns," but often such patterns resulted from intentional gerrymandering. One survey of school superintendents found that "[w]hile many claimed that there was no segregation in their schools, some admitted that the drawing-up of district boundary lines was deliberately made to enclose areas predominantly Latin."[10] By 1931, more than 80 percent of school districts with large Latino populations were officially segregated, and many of the remaining 20 percent were unofficially segregated.[11] All told, 85 percent of Mexican students living in the Southwest received instruction in either separate classrooms or entirely separate schools.[12]

The Southwest's Mexican and migratory schools struggled with significantly inferior resources, poor equipment, inadequate buildings, and lower-paid teachers who were permitted to transfer to Anglo schools as a reward or promotion.[13] In addition, the "Americanization" curricula of the resource-poor Mexican schools neglected many basic subjects of primary education, emphasizing

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[9] *Id.* at 179 n.64; James A. Ferg-Cadima, *Black, White & Brown: Latino School Desegregation Efforts in the Pre- and Post-Brown v. Board of Education Era*, at 20, Mexican American Legal Defense and Educational Fund, May 2004, *available at* http://www.maldef.org/pdf/LatinoDesegregation.pdf.

[10] Nancy Kuhr, *Segregated Public Schools in Texas, 1876-1940*, at 73, 1971, unpublished M.A. Thesis, University of Texas.

[11] Bowman, *supra* note 5, at 1770.

[12] Rubén Donato, *The Other Struggle for Equal Schools: Mexican Americans During the Civil Rights Era* 13 (State University of New York Press 1997).

[13] Bowman, *supra* note 5, at 1769 n.119.

instead "practical subjects" such as American norms and values, patriotism, sewing, housekeeping, handiwork and manual labor.[14] These lessons were designed to prepare Latino students for the roles that, in the popular view, they were destined to assume.

B. Latinos Have Continually Struggled Against Separate and Unequal Schools

Channeled into segregated schools with substandard resources, Latinos in Western communities mounted intermittent challenges to school segregation throughout the 1930s.[15] These efforts bore fruit in 1946 – eight years before the *Brown* decision – when Latino litigants obtained a federal court ruling barring some California school districts from maintaining separate Mexican and Anglo schools. *Mendez v. Westminister Sch. Dist.*, 64 F. Supp. 544 (S.D. Cal. 1946), *aff'd*, 161 F.2d 774 (9th Cir. 1947). Sixty years later, Latino schoolchildren are at once the largest and the most segregated minority group in American schools, and the promises of *Mendez* and *Brown* remain unfulfilled. In the years leading up to the *Mendez* case and in the decades since, the Latino community has ceaselessly wrestled with the deep educational and social harms of *de jure* and *de facto* school segregation.

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[14] Lisa J. Soto, *The Treatment of the Spanish Language and Latinos in Education in the Southwest, in the Workplace, and in the Jury Selection Process*, 3 Hisp. L.J. 73, 76 (1997).

[15] For a more comprehensive discussion of this legal history, *see* Ferg-Cadima, *supra* note 9, at 14.

1. Latinos Turned to the Courts to Challenge Unlawful Discrimination.

The Latino community commenced its unfinished struggle for school desegregation with *Mendez*, the first federal lawsuit to challenge Latino segregation in K-12 schools on Fourteenth Amendment grounds.[16] Although *Mendez* was a landmark litigation for Latinos and an important precursor to *Brown*, the case developed in a way that separated Latino segregation from the issue of race discrimination. This disconnect limited *Mendez*'s reach and contributed to the exclusion of Latinos from future legal and academic discourses on school segregation.

Mendez evolved from the efforts of two Mexican American cousins, Gonzalo Mendez and Soledad Vidaurri, to enroll their respective children in the same Orange County "Anglo" school.[17] Although both sets of children had similar language abilities and were blood relatives, the district assigned the two Mendez children, whose surname and features were more evidently "Mexican," to the Mexican school, while enrolling their Vidaurri cousins in the Anglo school.[18] At the time, such segregation was routine in Orange County; 80 percent of the county's Mexican and Mexican American students were clustered into 14 Mexican schools, where they were racially isolated and received

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[16] Richard R. Valencia, *The Mexican American Struggle for Equal Educational Opportunity in Mendez v. Westminister: Helping to Pave the Way for Brown v. Board of Education*, 107 Tchrs. C. Rec. 389, 400 (2005).

[17] *Id.* at 399.

[18] *Id.*

instruction in trades – industrial labor for boys and homemaking for girls.[19]

While the school officials in *Mendez* contended that Latino students' "lack of American values, culture and proficiency in the English language" necessitated their segregation into separate schools,[20] they acknowledged having made school assignments based exclusively upon Mexican descent.[21] Yet, ultimately, the *Mendez* case did not tackle the issue of race and national origin discrimination head-on, due in large part to a critical and curious stipulation by the parties. The plaintiffs and the districts stipulated that Mexican Americans were part of the white race – an agreement that did not comport with the social reality of the time, but which each party evidently found expedient for the purposes of the litigation.[22] *See Mendez*, 64 F. Supp. at 546. The plaintiffs likely sought the stipulation to avoid then-existing caselaw that permitted segregation between races under the "separate but equal" doctrine, and to avoid a California statute that permitted districts to establish "separate schools for Indian children, excepting children of Indians who are wards of the United States Government and children of all other Indians who are descendants of the original American Indians of the United States." Cal. Educ. Code § 8003 (repealed 1947). This statute would permit

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[19] Gilbert G. Gonzalez, *Chicano Education in the Era of Segregation* 137 (1990).

[20] *Id.*

[21] Luna, *supra* note 6, at 241.

[22] For a discussion of the *Mendez* stipulation and its effect, *see* Thomas A. Saenz, Mendez *and the Legacy of* Brown: *A Latino Civil Rights Lawyer's Assessment*, in Symposium, Rekindling the Spirit of *Brown v. Board of Education*, 6 Afr.-Am. L. & Pol'y Rev. 194; 11 Asian L.J. 276; 15 Berkeley La Raza L.J. 67; 19 Berkeley Women's L.J. 395 (2004).

segregation of children descended from the Indians of Mexico; thus, plaintiffs' stipulation avoided a law directed toward segregation of Mexican Americans.[23]

The stipulation in *Mendez* rendered it a case about intra-racial, rather than inter-racial, segregation, effectively shifting the case's emphasis from racial discrimination to language. Still, the arguments in *Mendez* prefigured those of *Brown* in important ways. Like the *Brown* plaintiffs that followed them, the *Mendez* litigants introduced social science testimony that segregated learning environments stigmatized Latino schoolchildren and caused psychological harm.[24] The school districts responded by contending the schools' facilities and resources were adequate under the "separate but equal" framework of *Plessy v. Ferguson*, 163 U.S. 537 (1896).[25] Ultimately, in a decision that took steady aim at *Plessy*, Federal District Judge Paul J. McCormick concluded that "separate but equal" facilities were not sufficient to satisfy the equal protection clause:

> The 'equal protection of the laws' . . . is not provided by furnishing in separate schools the same

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[23] *Id.* The reason that the districts agreed to the stipulation might lie in their argument, redolent of Texas in the jury exclusion context, seeking to establish that intra-racial discrimination was more acceptable than inter-racial discrimination:

> "If it be fallacious argument to contend that the [African] race is stamped with a badge of inferiority by separation, how can it be contended that one group of white persons are [so] stamped . . . simply because they are separated from other groups of white people in the public schools?"

Appellant's Reply Br. to ACLU at 3, *Westminister Sch. Dist. v. Mendez*, 161 F.2d 774 (9th Cir. 1947) (No. 11310).

[24] Valencia, *supra* note 16, at 391.

[25] *Id.* at 402.

> . . . facilities . . . that are available to the other public school children regardless of . . . ancestry. A paramount requisite in the American system of public education is social equality. It must be open to all children by unified school association regardless of lineage.

Mendez, 64 F. Supp. at 549. The district court further accepted evidence that segregation harmed and stigmatized minority students:

> The evidence clearly shows that Spanish-speaking children are retarded in learning English by lack of exposure to its use because of segregation. . . . It is also established by the record that the methods of segregation prevalent in the defendant school districts foster antagonisms in the children and suggest inferiority among them where none exists.

Mendez, 64 F. Supp. at 550.

On appeal, the Ninth Circuit upheld the lower court's decision on far narrower grounds. Although it declined to rule explicitly on the issue of "separate but equal," as urged by the NAACP's *amicus curiae* brief, the Ninth Circuit's affirmance paved the path toward eradication of *de jure* school segregation in California.[26] *See Westminister Sch. Dist. v. Mendez*, 161 F.2d 774, 780 (9th Cir. 1947). In 1947, California's Governor Earl Warren, who as Chief Justice would write the Court's opinion in *Brown*, signed legislation that fully repealed California's segregation laws.[27] But despite the positive products of *Mendez*, its stipulation that Latino children were "white," though

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[26] Ferg-Cadima, *supra* note 9, at 14, 20.

[27] Charles Wollenberg, *All Deliberate Speed: Segregation and Exclusion in California Schools, 1855-1975* at 132 (1976).

clearly contrary to social reality, disconnected the problem of Latino segregation from its roots in racial discrimination, thereby distinguishing Latinos from other segregated minority groups.[28] Indeed, the question of whether *Brown*'s central holding applied to Latinos did not reach this Court until 1973, nearly 20 years after it was rendered.

2. *Brown*'s Applicability to Latinos Was Not Settled Until Nearly Two Decades After the Ruling.

In the same term as *Brown* – generally acknowledged as the start of the modern civil rights era – Latinos celebrated their own victory in *Hernandez v. Texas*, 347 U.S. 475 (1954), the first Supreme Court decision that found Latinos to be a protected class under the Fourteenth Amendment. Concluding that Latinos are a protected class under the equal protection clause for jury eligibility purposes, the *Hernandez* Court cited the segregation of Latino schoolchildren as evidence that the white community considered Latinos a distinct and inferior race. *Hernandez*, 347 U.S. at 479-80. Yet the specific recognition that *Brown*'s doctrine applied to Latino school segregation would not reach the federal courts until many years later, with *Cisneros v. Corpus Christi Independent School District*, 324 F. Supp. 599 (S.D. Tex. 1970), and *Keyes v. School District No. 1*, 413 U.S. 189 (1973).

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[28] In *Gonzales v. Sheely*, 96 F. Supp. 1004 (D. Ariz. 1951), another district court anticipated *Brown*'s holding by recognizing that segregation stamped Latino students with a badge of inferiority. Like *Mendez*, *Gonzales* is rarely cited in legal and academic discussions of school segregation.

Jose Cisneros' challenge to his children's segregation into poorly-resourced, majority-Latino schools rested squarely upon the equal protection clause of the Fourteenth Amendment and this Court's reasoning in *Brown*. The trial court noted that although *Brown* and its progeny until that point specifically concerned African American segregation, "any other group which is similarly or perhaps equally, disadvantaged politically and economically, and which has been substantially segregated in public schools" deserved comparable constitutional protection. *Cisneros*, 324 F. Supp. at 606. The Fifth Circuit affirmed, noting that "[t]he decision in *Brown* is the clear embodiment of the legal framework for the resolution of these important issues." *Cisneros v. Corpus Christi Indep. Sch. Dist.*, 467 F.2d 142, 148 (5th Cir. 1972).

Not long after *Cisneros*, *Keyes* received national attention as the first non-Southern school desegregation case to reach this Court.[29] The *Keyes* plaintiffs had challenged segregation of African Americans in Denver schools, and the matter of Latino segregation did not emerge until the Congress of Hispanic Educators intervened at the remedy phase of the trial.[30] Latinos at the time constituted 20 percent of Denver's public school enrollment. *Keyes*, 413 U.S. at 195. As in *Cisneros*, the *Keyes* ruling recognized that Latinos "constitute an identifiable class for purposes of the Fourteenth Amendment."

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[29] Tom I. Romero II, *From Brown to Grutter: Racial Integration and the Law: Our Selma Is Here: The Political and Legal Struggle for Educational Equality in Denver, Colorado, and Multiracial Conundrums in American Jurisprudence*, 3 Seattle J. For Soc. Just. 73, 74 (2004).

[30] George A. Martinez, *The Legal Construction of Race: Mexican-Americans and Whiteness*, 2 Harv. Latino L. Rev. 321, 332 (1997).

Keyes, 413 U.S. at 197. Moreover, the Court observed that "Negroes and Hispanos in Denver suffer identical discrimination in treatment when compared with the treatment afforded Anglo students," concluding that "petitioners [were] entitled to have schools with a combined predominance of Negroes and Hispanos included in the category of 'segregated' schools." *Keyes*, 413 U.S. at 198. Following the *Keyes* decision, Denver became one of the few large metropolitan areas in the 1970s where both Latino and African American students experienced significant, albeit temporary, relief from school segregation.[31]

C. Latino Students Have Become the Largest and Most Segregated Minority Group in K-12 Public Schools

America's modern racial landscape looks vastly different than it did when this Court considered *Brown*, or even *Keyes*. According to the 2000 Census, the U.S. Latino population soared from 22.4 million to 32.4 million since the previous Census, representing a 45 percent increase.[32]

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[31] Denver schools are once again deeply segregated, driven in part by changing demographic patterns and the so-called Poundstone Amendment to the Colorado State Constitution, approved in 1974. The amendment prevented annexation of surrounding suburban, increasingly Anglo communities to the Denver school district without the consent of voters in each affected county, restricting the reach of the *Keyes* desegregation order. *See* Tom I. Romero, II, *Uncertain Waters and Contested Lands: Excavating the Layers of Colorado's Legal Past*, 73 U. Colo. L. Rev. 521, 583-84 (2002); Richard Delgado & Jean Stefancic, *Home-Grown Racism: Colorado's Historic Embrace – and Denial – of Equal Opportunity in Higher Education*, 70 U. Colo. L. Rev. 703, 752 (1999).

[32] *See* U.S. Census Bureau, Statistical Abstract of the United States: 2001, at 19, *available at* http://www.census.gov/prod/2002pubs/01statab/pop.pdf.

More recent data shows that continued rapid growth has since propelled Latinos, now numbering 42.7 million, ahead of African Americans as the nation's largest minority group.[33] The rapid increase in the U.S. Latino population has been fueled in great part by immigration, but has also been driven by higher birth rates among both foreign and U.S.-born Latinos, who tend to have larger and younger families, and who have children at younger ages.[34]

These demographic trends mean that the tremendous growth in the U.S. Latino population is most pronounced and dramatic among Latino youth. In the 2003-2004 school year, Latinos comprised 19 percent of the K-12 student population.[35] Latino public school enrollment is currently concentrated in the metropolitan centers in a few large states, but it is dispersing rapidly; while only two states, California and Texas, have 26 percent of total U.S. public school enrollment and 56 percent of the nation's total Latino enrollment, growth in Latino enrollment is evident in every region of the country.[36] In Florida, for example, Latino K-12 public student enrollment increased by 614 percent from 1970 through

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[33] U.S. Census Bureau News Release, Nation's Population One-Third Minority (May 10, 2006), *available at* http://www.census.gov/Press-Release/www/releases/archives/population/006808.html (estimating the respective populations of Latinos and African Americans as 42.7 million and 39.7 million).

[34] *Id. See also*, U.S. Census Bureau, Fertility of American Women: June 2004 (issued Dec. 2005) at 2, 4, *available at* http://www.census.gov/prod/2005pubs/p20-555.pdf.

[35] Adriana D. Kohler, *Hispanic Education in the United States* (Statistical Brief No. 8, Conference Edition) at 1, National Council of La Raza (2006).

[36] *Id.*

2000; in Illinois, by 304 percent for the same period; in New Jersey, by 240 percent; and in Arizona, by 248 percent.[37]

Latino growth is perhaps most striking when viewed as a *component* of total K-12 enrollment growth. An October 2006 study by the Pew Hispanic Center found that between 1993-94 and 2002-03, Latino children accounted for 64 percent of additions to public school enrollment.[38] During the same period, African Americans and Asian Americans accounted for 23 percent and 11 percent of the growth, respectively, while white enrollment dropped by about one percent.[39] The Pew Center also found that Latino growth was not uniform across all grades, and that the increase in Latino student enrollment in the nation's primary schools has been particularly dramatic. Indeed, Latinos have entirely driven growth in America's primary school enrollment; without the increase in Latino students, public school enrollment would have declined by about three percent.[40] During the study period, between the 1993-94 and 2002-03 school years, Latino enrollment rose 53 percent, from 3 million to 4.6 million. These trends are significant because they herald the future: public schools and a broader society that is more diverse, and more Latino, in composition.

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[37] Erica Frankenberg et al., *A Multiracial Society with Segregated Schools: Are We Losing the Dream?*, at 32, C.R. Project Harv. U., Jan. 2003, *available at* http://www.civilrightsproject.harvard.edu/research/reseg03/AreWeLosingtheDream.pdf.

[38] Richard Fry, *The Changing Landscape of American Public Education: New Students, New Schools*, Pew Hispanic Center, Oct. 5, 2006, *available at* http://pewhispanic.org/files/reports/72.pdf.

[39] *Id.*

[40] *Id.* at 9.

Due in part to the timing of this extraordinary growth in the Latino school-age population – and the relatively late recognition that *Brown* applied to Latino segregation – Latinos never reaped the benefits, however fleeting, of serious efforts at school desegregation.[41] In many regions, the rapid increases in Latino enrollment coincided with or followed the dissolution of desegregation orders, leaving Latino students without remedy. In other instances, even where Latino students were present in significant numbers, desegregation orders were extinguished without consideration of their interests.[42] The absence of significant initiatives to address Latino segregation, together with entrenched and growing residential segregation for Latinos,[43] have combined to make Latino students the most racially isolated minority group in the country.

Today, more Latinos than ever before attend segregated schools, and their racial isolation is increasing in every region of the country. Nationally and in every region, a typical Latino student attends a school that is less than one-third white.[44] Seventy-six percent of Latinos attend predominantly minority schools, more than any other group.[45] More alarming is the rise in Latino

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[41] Ferg-Cadima, *supra* note 9, at 34.

[42] Gary Orfield & Chungmei Lee, *New Faces, Old Patterns? Segregation in the Multiracial South* at 5, 7, C.R. Project Harv. U., Jan. 2003, *available at* http://www.civilrightsproject.harvard.edu/research/reseg05/resegregation05.php.

[43] For a fuller discussion of these patterns of residential segregation, *see* the *amicus curiae* brief submitted in this case by the Poverty and Race Research Action Council, *et al.*

[44] Frankenberg et al., *supra* note 37, at 44.

[45] *Id.* at 33.

enrollment at intensely segregated schools, defined as schools with 90 to 100 percent minority enrollment. The absolute number of students attending these schools grew from 462,000 in 1968 to 2.86 million in 2000, an increase of 520 percent.[46] Nationally, almost one in nine Latino students attend a school that is 99 to 100 percent minority.

National data also demonstrates that Latinos experience significant segregation by language as well as by race.[47] Latinos predominate among English Language Learners; about three-quarters of ELL students nationally are Spanish speakers.[48] Although ELLs represent a relatively small share of the total student population, more than 53 percent of these children are concentrated in schools where more than 30 percent of their peers are also ELLs. By contrast, 57 percent of English proficient students attend schools where less than one percent of students have limited English proficiency.[49]

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[46] *Id.*

[47] Richard R. Valencia et al., *Segregation, Desegregation, and Integration of Chicano Students: Old and New Realities,* in Chicano School Failure and Success – Past, Present and Future, 70-113 (Richard R. Valencia ed., Routledge Farmer 2d ed., 2002).

[48] Randy Capps et al., *The New Demography of America's Schools: Immigration and the No Child Left Behind Act* at 16, MPI Breakfast Briefing, Sept. 30, 2005, Foundation for Child Development, *available at* www.fcd-us.org/PDFs/NewDemographypresentationfinal.pdf.

[49] *Id.*

II. IN AMERICA'S INCREASINGLY MULTIRACIAL LANDSCAPE, THE STATE HAS A COMPELLING INTEREST IN REDUCING RACIAL ISOLATION AND MAINTAINING DIVERSE CLASSROOMS

This demographic picture makes clear that the new paradigm for American education and society is increasingly multiracial in nature, and amplifies the importance of racial diversity in K-12 education. In *Grutter v. Bollinger*, 539 U.S. 306 (2003), this Court recognized that in the context of higher education, public universities have a compelling interest in seeking the educational benefits that spring from a diverse student body. The Court identified several benefits of diversity in *Grutter*, including promoting cross-racial understanding, combating racial stereotypes, and preparing all students to participate fully in civic life. *See Grutter*, 539 U.S. at 332. These interests apply with even greater force in the context of elementary and secondary schools, which, as *Brown* instructs, are charged with essential democratic duties.

As this Court noted in *Brown*, education "is the very foundation of good citizenship" and "is . . . a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment." *Brown*, 347 U.S. at 493. In keeping with *Brown*'s noble and profoundly democratic goals, integrated schools can better prepare students of all races to participate in democratic life and to function in diverse communities by increasing tolerance and cross-racial understanding, by promoting participatory citizenship and by enhancing learning and access to educational opportunities. With Latinos now a sizable and swiftly rising population, their inclusion in integration efforts is of growing consequence, for the students

themselves, for their classmates, and for American economic and democratic life.

A. Integrated Schools Promote Democratic Values of Tolerance and Cross-Racial Understanding for Students of all Racial Groups

This Court's jurisprudence has long acknowledged that public schools bear responsibility not only for instructing their charges in academic subjects, but also for instilling the democratic ideals we collectively share and prioritize. As noted in *Brown* and *Plyler v. Doe*, 457 U.S. 202 (1982), public schooling "has a pivotal role in maintaining the fabric of our society and in sustaining our political and cultural heritage." *Brown*, 347 U.S. at 493; *Plyler*, 457 U.S. at 203. Among the most cherished American values, and at the very foundations of the Fourteenth Amendment, are racial tolerance and an abiding belief in and commitment to equality. Integrated schools advance these democratic values by providing meaningful opportunities to encounter, engage with, and develop friendships with peers in other racial and ethnic groups.[50] For Latinos, whose residential segregation is both acute and on the rise, integrated learning settings may represent their *only* avenue for such contacts – contacts that promote cross-racial understanding among students, help them overcome fear and distrust of people of different races, and make

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[50] For a comprehensive discussion and analysis of this research, see the Social Science Statement and *amicus* brief submitted in this case by the Harvard Civil Rights Project.

them more likely to perceive people of different races as equals.[51]

As American society becomes more racially complex and heterogeneous, reducing racial prejudice and stereotyping and increasing cross-racial understanding are significant ends in themselves; these values are tied to both the normative underpinnings of the Fourteenth Amendment and to our traditional notions of the democratic purposes of public education. Racial diversity in schools can play a critical role in fulfilling education's fundamental and democratic mission of "transmitting 'the values on which our society rests.'" *Plyler*, 457 U.S. at 221 (quoting *Ambach v. Norwick*, 441 U.S. 68, 77 (1979)). But even beyond these benefits, research demonstrates that attending integrated schools gives minority students greater comfort to actually participate in a hetereogenous democracy.[52] Motivating participatory democracy is of particular importance for the Latino community, which still has tremendous strides to make in the realm of civic engagement and political participation. For example, although Latinos comprised fully one-half of population growth from 2000-2004, they represented just one-tenth of new voters.[53] Although this disparity is explained partially by citizenship figures and by the youthfulness of the Latino population, it is also true that only 39 percent of eligible Latinos voted in the last

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[51] Amy Stuart Wells et al., *How Desegregation Changed Us: The Effects of Racially Mixed Schools on Students and Society* at 6, *available at* http://cms.tc.columbia.edu/i/a/782_ASWells041504.pdf#search='How%20desegregation%20changed%20us%20wells.

[52] Frankenberg et al., *supra* note 37, at 14.

[53] Roberto Suro et al., *Hispanics and the 2004 Election: Population, Electorate and Voters*, Pew Hispanic Center Report, June 27, 2005, *available at* http://pewhispanic.org/files/reports/48.pdf.

presidential election, compared to 68 percent of whites and 60 percent of African Americans.[54] As the Latino community ascends in numbers and in prominence, their full engagement in and contributions to American civic, economic, and political life will be essential to robust democracy. Integrated school settings, by promoting democratic values, motivating civic engagement and enhancing learning and educational attainment for minority students (as discussed in greater detail below), equip Latinos to participate more effectively in democratic life.

B. Integrated Schools Enhance Learning, Educational Opportunities and Access to Higher Education

Research shows integrated settings enhance classroom learning for all students in a number of important ways. Diverse schools can help expose students to multiple perspectives, for example, which can bolster comprehension of complex issues and "critical thinking," both crucial for development and growth in intellectual and academic skills.[55] Reducing racial isolation can also yield better opportunities for learning and educational attainment for minority students in particular, setting the stage for longer-term success and advancement in American society. As this Court has stated, "by depriving the children of any disfavored group of an education, we foreclose the means

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[54] *Id.*

[55] Michal Kurlaender & John T. Yun, *The Impact of Racial and Ethnic Diversity on Educational Outcomes: Cambridge, MA School District* at 3-4, C.R. Project Harv. U., Jan. 2003, *available at* http://www.civilrightsproject.harvard.edu/research/diversity/cambridge_diversity.php#fullreport.

by which that group might raise the level of esteem in which it is held by the majority." *Plyler*, 457 U.S. at 222. The vast majority of intensely segregated minority schools, so often schools of concentrated disadvantage, are marked by limited educational opportunities and diminished academic achievement and attainment, as measured by indicators ranging from test scores to graduation rates.

The nation's drop-out crisis, for example, is concentrated in segregated minority schools in large metropolitan areas, and is more acute for Latinos than for any other racial group.[56] Although Latino schoolchildren have good levels of grade completion throughout primary school, those rates drop precipitously as they move up into secondary school. The school attrition rate for Latino secondary school students is now near fifty percent, and the problem is even more pronounced in large inner-city school districts, among foreign-born Latinos, and among ELLs.[57] A 2005 report on the Los Angeles Unified School District – which enrolls more than 735,000 students (over 90 percent of them minorities) – found that only 39.1 percent of Latino students complete high school.[58] College matriculation rates for Latinos are lower than for members of any other racial or ethnic group, and in 2004 less than a quarter of Latinos between the ages of 18 and 24 were enrolled in institutions of higher learning, with a majority of these students attending two-year colleges.[59]

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[56] Kohler, *supra* note 35, at 3.

[57] *Id.* at 3, 7.

[58] Dan Losen & Johanna Wald, *Confronting the Graduation Rate Crisis in California* at 6, C.R. Project Harv. U., Mar. 24, 2005, *available at* http://www.civilrightsproject.harvard.edu/research/dropouts/dropouts05.pdf.

[59] Kohler, *supra* note 35, at 9.

These figures are compelling, but unsurprising when viewed in context: segregated minority schools have disproportionately higher concentrations of poverty and limited advanced curricula, such as Advanced Placement and other college preparatory courses.[60] The impact of racial segregation on teacher quality is particularly well-documented; ample research shows that well-qualified teachers tend to leave racially segregated schools to teach in more integrated settings, irrespective of such factors as working conditions, teacher salary or student poverty.[61] Skilled and experienced teachers are not only an important factor in student achievement, but also a source of support and networking for the college admissions or job-hunting process. Latinos in racially isolated schools tend, in general, to have less access to informal integrated networks, whether teacher, peer or alumni networks, placing them at additional disadvantage relative to counterparts at integrated schools.[62]

Integrated schools help prevent these harms that are so strongly associated with minority, and specifically Latino, isolation. Minority students in integrated schools experience smaller classes and greater teacher support, and are more likely to be in college-track classes.[63] They

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[60] *Id.* at 4-5.

[61] Benjamin Scafidi et al., *Race, Poverty, and Teacher Mobility*, Working paper 06-51, Andrew Young School of Policy Studies Research Paper Series, Aug. 2005, *available at* http://aysps.gsu.edu/publications/2006/downloads/ScafidiSjoquist_RacePovertyTeacherMobility.pdf.

[62] Amy Stuart Wells & Robert L. Crain, *Perpetuation Theory and the Long-Term Effects of School Desegregation*, Rev. Educ. Res. 64 No. 4, Winter 1994, at 531-55.

[63] Janet Ward Schofield, *Maximizing Benefits of Student Diversity: Lessons from School Desegregation Research in Diversity Challenged*, at

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also receive exposure to the integrated alumni, peer and teacher networks that are so critical to learning about and obtaining college and occupational opportunities.[64] In addition, they benefit from the support and higher expectations of teachers, counselors, and peers – support that improves these students' aspirations, confidence, and ambition. Predictably, these increased opportunities result in better educational outcomes for non-white students in integrated schools, including improved student achievement, higher graduation rates, and better rates of college matriculation and graduation.[65]

These integration benefits advance the interests of ELLs as well, who experience segregation particularly acutely, and who experience particular challenges and harms as a result of their racial and linguistic isolation in disadvantaged schools. Despite this Court's holding in *Lau v. Nichols*, 414 U.S. 563 (1974) that ELL students have a right to a "meaningful and effective" education, a large proportion of ELLs are poorly-served in schools characterized by ethnic and linguistic isolation and concentrated poverty. Because ELLs are so likely to attend school with other ELLs and to live in racially and linguistically isolated neighborhoods, they have few contexts in which to interact with English-proficient peers. Integrated schools can create meaningful opportunities for this peer interaction.[66] Further, ELLs, who are more likely to be children of

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99-111 (Gary Orfield & Michal Kurlaender eds., Harvard Education Publishing Group, 2001).

[64] Frankenberg et al., *supra* note 37, at 12.

[65] Schofield, *supra* note 63, at 99-101.

[66] At the same time, it is important to note that these benefits do not validate using English immersion programs over instruction in the primary language for ELL students; education researchers have

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immigrants or immigrants themselves, and to have parents without high school diplomas, stand to draw particular benefits from the informal networks available in integrated schools.[67]

C. Integrated Schools Provide Their Students with Greater Life Opportunities

Integrated schools strengthen students' desire to interact with people of different backgrounds in the future, readying students to work and to live in diverse communities and to interupt patterns of occupational and residential segregation. As noted in *Plyler*, public education "provides the basic tools by which individuals might lead economically productive lives to the benefit of us all." *Plyler*, 457 U.S. at 221 (quoting *Ambach*, 441 U.S. at 77). Improving Latinos' high school graduation and college matriculation rates will, of course, substantially enhance their economic and occupational aspirations and opportunities: Latinos remain highly concentrated in lower-earning labor and service sectors, due in part to the poor representation of Latinos in the "pipeline" to many

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consistently found that instruction in the primary language is particularly effective in improving ELL student achievement in the second language. *See, e.g.*, Claude Goldenberg, *Improving Achievement for English-Learners*, Education Week, July 26, 2006, at 34-36, *available at* http://www.edweek.org/ew/articles/2006/07/26/43goldenberg.h25.html?qs=bilingual_education (summarizing research regarding effective instructional practices for ELL students); *see also* Jacqueline Vialpando et al., *Educating English Language Learners: Implementing Instructional Practices*, 2005 at 17, National Council of La Raza, *available at* http://www.nclr.org/content/publications/download/36199 (describing the dangers of the English "submersion," or "sink-or-swim" instructional approach).

[67] Capps, *supra* note 48, at 4.

professional occupations – from a strong preparatory K-12 education, to four-year colleges and universities, to graduate and professional schools. Only 16 percent of Latinos worked in professional occupations in 2000, compared with 34 percent of white and 42 percent of Asian American participants in the labor force.[68]

But integrated schools yield even broader benefits; namely, they can prepare students to participate in diverse American and global workforces by instilling a sense of greater comfort with members of other racial groups. These effects can translate to greater economic opportunity and productivity for students of all racial and ethnic backgrounds. For Latino students, this comfort may lead them to seek out economic opportunities in fields or sectors in which they have been traditionally underrepresented. The severe underrepresentation of Latinos in fields such as law,[69] the health professions,[70] and teaching[71]

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[68] Rakesh Kochhar, *The Occupational Status and Mobility of Hispanics*. Dec. 15, 2005, Pew Hispanic Center, *available at* http://www.pewhispanic.org/files/reports/59.pdf.

[69] *See* Miguel A. Mendez & Leo P. Martinez, *Toward a Statistical Profile of Latina/os in the Legal Profession*, 13 La Raza L.J. 59, 65 (2002) (Latinos were 9 percent of national population in 1990, but only 2.49 percent of lawyers).

[70] *See* U.S. Department of Health and Human Services, The Office of Minorities Health, Surgeon General's TODOS Report (1993), noting underrepresentation of Latinos at all levels of the health professions, including practitioner, faculty, advanced career positions, and decision-making bodies.

[71] In 2005, Latinos occupied 6.9 percent of education, training, and library occupations in K-12 schools. They accounted for four percent of postsecondary education teachers, 10.4 percent of preschool and kindergarten teachers, six percent of elementary and middle school teachers, five percent of secondary school teachers and about six percent of special education teachers. U.S. Department of Labor, Bureau of Labor Statistics, *Table 11. Employed persons by detailed*

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has led to a deepening crisis – namely, an astonishing scarcity of educators, legal service providers, and health care providers with the linguistic resources and cultural sensitivity to serve the growing Latino community.

The experience of attending racially diverse schools also makes students in all racial and ethnic groups more comfortable living in integrated communities.[72] Studies have shown that implementation of desegregation programs can lead to more stably integrated neighborhoods.[73] Because segregated neighborhoods help drive school segregation, the positive effects of integration programs can actually serve to break self-perpetuating cycles of racial isolation.

III. IN TODAY'S NEW MULTIRACIAL PARADIGM, SCHOOL OFFICIALS MUST BE PERMITTED TO TAKE FLEXIBLE APPROACHES TO COMBAT RACIAL ISOLATION

In a growing number of school districts, officials must grapple with increasingly diverse groups of learners. Latino enrollment, including significant numbers of ELL students and students from immigrant backgrounds, is a major element of this changing picture. As school officials confront these demographic changes and consider how best to meet important educational, community, and civic goals, they require the flexibility to respond to these new, more complicated paradigms.

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occupation, sex, race, and Hispanic or Latino ethnicity, available at http://www.bls.gov/cps.

[72] *Id.*

[73] Wells & Crain, *supra* note 62, at 531.

This Court has consistently acknowledged this need for flexibility, and recognized local governments' broad discretionary powers to ensure their students attend schools reflecting the racial and ethnic composition of their districts as a whole. *See North Carolina State Bd. of Ed. v. Swann*, 402 U.S. 43, 45 (1971) ("[S]chool authorities have wide discretion in formulating school policy, and . . . as a matter of educational policy school authorities may well conclude that some kind of racial balance in the schools is desirable quite apart from any constitutional requirements"); *see also, Keyes v. Sch. Dist. No. 1*, 413 U.S. 189, 242 (1973) (Powell, J., concurring) (noting that local school boards may exceed the minimal constitutional standards to promote racial and ethnic integration). Voluntary integration programs are fully in keeping with these principles, and emerge from the considered judgments of local educators, teachers, and parents – those who are in the best position to evaluate and respond to the challenges of a changing racial landscape.

CONCLUSION

The Latino past and present educational experience is defined by separation and exclusion, invariably paired with poor resources and limited educational opportunities. Yet the challenges and struggles of Latino schoolchildren have seldom been the focus of either historical attention or corrective action, even as Latinos comprise an ever-growing and ever-more isolated share of our public schools and communities as a whole. For Latinos, the promise of *Brown* has not only gone unfulfilled; it becomes more distant and dim with each year that Latino school segregation grows.

Voluntary integration programs represent meaningful opportunities to bring the dream of equal and integrated education within closer reach of Latinos, a rising population in every sense. Such programs are designed to meet compelling, and noble, ends, and for the sake of Latino students and of America's robust civic and democratic life, they should be permitted. The Court should affirm the judgments of the Sixth and Ninth Circuits.

Respectfully submitted,

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STATEMENT OF INTEREST

ASPIRA Association, Inc.

The ASPIRA Association, Inc. is the only national non-profit organization devoted solely to the education and leadership development of Puerto Rican and other Latino youth. ASPIRA takes its name from the Spanish verb *aspirar*, "aspire."

Since 1961, ASPIRA has pursued its mission of empowering the Latino community through the development of its youth. With community-based offices in large cities in seven states and Puerto Rico, ASPIRA's 1,600 staff members work with over 55,000 youth and their families each year to develop their potential. ASPIRA programs include academic enrichment, mentoring, guidance counseling, charter schools, and parental engagement initiatives. Whereas over 40% of Latino youth drop out of school, over 95% of Aspirantes (ASPIRA youth) complete high school and over 90% go on to college. Almost every Latino leader in the states served by ASPIRA – in government and in the private sector – have been Aspirantes. ASPIRA is proud of the over 300,000 young Latinos that have been through ASPIRA.

Dominican American National Roundtable (DANR)

The Dominican American National Roundtable (DANR) is a non-partisan, non-profit corporation seeking to bring together the different voices of all people of Dominican origin in the United States. DANR is a national forum for analysis, planning, and action to advance the educational, economic, legal, social, cultural, and political interests of Dominican Americans. DANR aims to ensure for U.S. Dominicans the full exercise of the rights and freedoms

guaranteed in the Constitution of the United States of America.

With those objectives in mind, DANR is committed to enriching the quality of life in the United States by highlighting the contributions of Dominicans to the larger American society.

Hispanic Association of Colleges & Universities (HACU)

The Hispanic Association of Colleges and Universities (HACU) has championed the higher education success of the nation's youngest and largest ethnic population. The formal mission of HACU is to promote the development of member colleges and universities; improve access to and the quality of postsecondary educational opportunities for Hispanic students; and, to meet the needs of business, industry and government through the development and sharing of resources, information and expertise.

HACU's member colleges and universities enroll two-thirds of the two million U.S. Hispanics in higher education today. But inadequate K-12 preparation, economic disparities, and high drop out rates continue to keep Hispanic participation in higher education at rates far below their representation in the U.S. population, especially in the traditional 18-24 year old college age cohort. HACU and the institutions it represents have a vital interest in assuring more adequate K-12 education for the Hispanic population.

Hispanic National Bar Association (HNBA)

The Hispanic National Bar Association (HNBA) is a non-profit, non partisan, national legal association representing the interests of 37,000 U.S. Hispanic attorneys, judges, law professors, law graduates, law students, legal administrators, and paralegals in the United States and Puerto Rico. The HNBA's continuing mission is to improve the study, practice, and administration of justice for all Americans by ensuring the meaningful participation of Hispanics in the legal profession. The primary objectives of the HNBA are to increase professional opportunities for Hispanics in the legal profession and to address legal issues that affect the Hispanic community. As such, the HNBA has a vested interest in the positive development of the U.S. educational system, in particular with respect to equal opportunity, and access to the best educational processes and programs for Latino youth.

Intercultural Development Research Association (IDRA)

The Intercultural Development Research Association's (IDRA) mission is to create schools that work for all children, and particularly those students that are minority, low-income or in the process of learning English. Since its inception in 1973, the organization has worked with thousands of schools to ensure that all students are provided equitable, high quality educational opportunities. IDRA'S school desegregation assistance activities date back to its inception, and it is one of a small number of organizations that has continuously worked with schools to ensure non-segregation of any students on the basis of race, gender or national origin. Our research on the issue has long validated the belief that students most benefit

from an education that includes diverse students, using instructional approaches that are inclusive and valuing of community and individual differences. IDRA supports the adoption, continuation and strengthening of racial diversity programs.

League of United Latin American Citizens (LULAC)

The League of United Latin American Citizens (LULAC) is the largest and oldest Hispanic membership organization in the United States. With over 115,000 members in virtually every state of the nation, LULAC advances the economic condition, educational attainment, political influence, health and civil rights of Hispanic Americans. For more than 75 years, LULAC's members have sought increased opportunities in education for Hispanic students through the desegregation of public schools, reaching parity in school funding, the provision of scholarships, educational counseling and strong affirmative action programs.

Mexican American Legal Defense and Educational Fund (MALDEF)

The Mexican American Legal Defense and Educational Fund (MALDEF) is a national civil rights organization established in 1968. Its principal objective is to secure, through litigation, advocacy, and education, the civil rights of Latinos living in the United States. MALDEF has represented Latino interests in school desegregation and other educational rights cases in Texas, California, Colorado, New Mexico, Arizona and many other states, and has been counsel on such landmark education cases as *Plyler v. Doe*. MALDEF's mission includes a commitment to

pursuing educational equity and opportunity through advocacy, community education, and the courts, and therefore it has a strong interest in the outcome of these proceedings.

Multicultural Education, Training, and Advocacy, Inc. (META)

Multicultural Education, Training and Advocacy, Inc. (META) is a national public interest legal organization which for more than two decades has advocated for the educational civil rights of Latino and other linguistic minority students. META has represented classes of Latino students in California, Florida, Texas, Massachusetts, Colorado, New York and New Mexico. Through its litigation and community advocacy, META has seen the harmful effects of racial and linguistic isolation on its clients. META supports creative solutions to such isolation and therefore joins with fellow *amici* in this brief.

National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund

The NALEO Educational Fund, established in 1981, is the leading nonprofit organization that facilitates full Latino participation in the American political process, from citizenship to public service. The NALEO Educational Fund carries out this mission through programs that integrate Latinos fully into American society, provide professional development opportunities and technical assistance to the nation's more than 6,000 Latino elected and appointed officials, and monitor and conduct advocacy on issues important to the Latino community and its political participation.

National Conference of Puerto Rican Women (NACOPRW)

The National Conference of Puerto Rican Women (NACOPRW), as a non-profit and non-partisan organization that promotes the full participation of Puerto Rican women and other Hispanics in the social, economic, and political life in the U.S., supports the educational interests set out in this *amicus* brief.

The National Council of La Raza (NCLR)

The National Council of La Raza (NCLR) is a private, nonprofit, nonpartisan organization established in 1968 to reduce poverty and discrimination and improve life opportunities for Hispanic Americans. NCLR works toward this goal through two primary, complementary approaches: capacity-building assistance to support and strengthen Hispanic community-based organizations and applied research, policy analysis, and advocacy.

NCLR recognizes that if K-12 voluntary integration programs, which provide for diversity in K-12 public schools by using race as a factor in making school assignments, are found unconstitutional, the state's and the nation's minority students will be denied equal opportunities to attend academically challenging public schools and consequently, lifelong opportunities. NCLR stands in support of admissions policies intended to increase diversity in public schools not only for the sake of minority communities, but also for the sake of a better United States.

National Hispanic Medical Association (NHMA)

The National Hispanic Medical Association's (NHMA) mission includes improving the health of Hispanics and other underserved groups. NHMA supports increased diversity in education to enhance opportunities for Hispanics to join the medical profession, which eventually leads to expanded access to health care in the U.S. and to improved health of the nation.

National Puerto Rican Coalition, Inc. (NPRC)

The National Puerto Rican Coaltion, Inc. (NPRC) is a national non-profit organization representing the interests of close to 8 million Puerto Rican U.S. citizens on the mainland and in Puerto Rico. NPRC's mission is to systematically strengthen and enhance the social, political and economic well being of Puerto Ricans throughout the United States and in Puerto Rico, with a special focus on the most vulnerable.

Puerto Rican Bar Association (PRBA)

The Puerto Rican Bar Association (PRBA) is a professional organization composed of members of the bar and law students of Latino ancestry as well as other interested persons. The PRBA was founded to provide a forum for Latino and other lawyers who are interested in promoting the social, economic, professional, and educational advancement of Latino attorneys, the Latino Community and the administration of justice.

Puerto Rican Legal Defense and Education Fund (PRLDEF)

The Puerto Rican Legal Defense and Education Fund, Inc. (PRLDEF) is a New York-based private not-for-profit, non-partisan civil rights, pan-Latino litigation and advocacy organization that has defended the civil rights and equal protection under law of Latinos for the past 34 years, with particular interest in protecting voting rights, equal employment opportunity, fair housing, language access rights, educational access, and immigrants' rights.

We are interested in this lawsuit because Latino students are disproportionately impacted by public education policies that have historically served to promote persistent school segregation. Equitable education opportunities are the critical path to civic engagement and creating a stake in a modern inclusive pluralistic society for Latinos and minorities. Decreasing racial isolation and promoting diversity at all levels of the educational system are important to the advancement and success of the Latino community.

William C. Velásquez Institute (WCVI)

The William C. Velásquez Institute (WCVI) is a non-profit, non-partisan public policy analysis organization chartered in 1985. The purpose of WCVI is to conduct research aimed at improving the level of political and economic participation in Latino and other underrepresented communities; to provide information to Latino leaders relevant to the needs of their constituents; to inform the Latino leadership and public about the impact of public policies on Latinos; and to inform the Latino leadership

and public about political opinions and behavior of Latinos.